

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PIERIN GJURAJ,

Petitioner,

-against-

JOHN ASHCROFT,

Respondent.  
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GEORGE B. DANIELS, District Judge:

*Pro se* petitioner filed a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, seeking release from an immigration detention center. Respondent seeks to dismiss the petition on mootness grounds. Petitioner has not opposed, or otherwise responded, to the application to dismiss.

Petitioner entered the United States as an Albanian refugee in 1991. As a result of a criminal conviction in 1996, an Immigration Judge ordered petitioner removed from the United States. The Bureau of Immigration Affairs affirmed the order of removal on April 2, 2004. Petitioner was being held at a federal detention center in Louisiana awaiting his removal. He filed the instant petition to be release from federal custody on the grounds that his continued detention, after the affirmance of the order of removal, violates his Fifth Amendment rights to due process. Petitioner alleges that, despite his full cooperation, the respondent's attempts to effectuate his removal have been unsuccessful. Petitioner argues that since his removal to Albania or any other country is not possible in the reasonably foreseeable future, his continued detention is unwarranted. Accordingly, he seeks a writ of habeas corpus directing respondent to immediately release him from custody.

Two days after signing the petition, petitioner was released from federal custody.

ORDER  
04 CV 9696 (GBD)

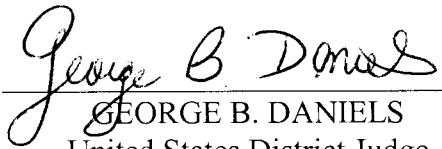
Petitioner has already obtain all the relief he was seeking, thereby rendering the petition moot.

Since the petition does not raise any other claims or challenges to the order of removal, or to any other action taken by respondent, dismissal of the petition is warranted.

Accordingly, it is hereby ordered that the writ is denied and the petition is dismissed. The Clerk of the Court is directed to close this case.

Dated: New York, New York  
September 8, 2005

SO ORDERED:

  
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GEORGE B. DANIELS  
United States District Judge